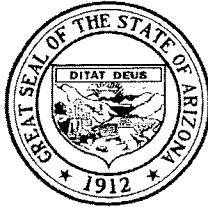


Douglas A. Ducey
- Governor -



Victoria Whitmore
- Executive Director -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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Phone (602) 364-1-PET (1738) & FAX (602) 364-1039
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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Cameron Dow, DVM

Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Marc Harris, Assistant Attorney General

RE: Case: 21-42
Complainant(s): Lauren Pokorny
Respondent(s): Gayle Bilsand, DVM (License: 2072)

SUMMARY:

Complaint Received at Board Office: 10/9/20
Committee Discussion: 4/6/21
Board IIR: 5/19/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On June 23, 2020, "Y[REDACTED]," a 17-year-old female domestic long hair cat was diagnosed with squamous cell carcinoma by Dr. Bilsand. Complainant elected to treat the cat with antibiotics until her quality of life deteriorated.

On September 8, 2020, the cat was declining and gabapentin was dispensed while Complainant considered her options.

On September 21, 2020, Dr. Nutter was scheduled to perform an at home euthanasia on the cat. After the euthanasia procedure, due to the condition of the cat, Dr. Nutter contacted law enforcement to file an animal neglect report against Complainant.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Lauren Pokorny*
- Respondent(s) narrative/medical record: *Gayle Bilsand, DVM*

PROPOSED 'FINDINGS of FACT':

1. On June 2, 2020, the cat was presented to Dr. Bilsland due to severe dental disease, and erosive destructive lesion at the upper left canine. It was reported that the cat had been to an emergency facility to have the mouth checked; cancer versus dental disease. Complainant explained the cat was a warehouse cat.

2. Upon exam, the cat had a weight = 7.38 pounds, a temperature = 101.7 degrees, a heart rate = 190bpm and a respiratory rate = 50rpm. Dr. Bilsland noted severe dental disease and an erosive destructive lesion at the upper left canine. There was a fistula midway between the medial canthus and planum nasale. Ocular discharge was present. Dr. Bilsland's rule-outs were squamous cell carcinoma vs fungal or osteo. Blood was collected for testing. Dr. Bilsland recommended that if the blood work was normal, return for sedation to remove the infected tooth, skull radiographs and perform a biopsy of tissue and bone. The cat was administered Convenia 80mg/mL, 0.35mL SQ and was discharged with Meloxicam and a/d diet.

3. The next day, Dr. Bilsland called Complainant to let her know that the blood results were within normal limits and the cat could be sedated for oral evaluation.

4. On June 16, 2020, the cat was presented to Dr. Bilsland for a biopsy, tooth extraction and radiographs. Upon exam, the cat had a weight = 7.56 pounds, a temperature = 102.1, a heart rate = 170bpm and a respiratory rate = 56rpm. An IV catheter was placed and the cat was sedated with Alfaxan 10mg/mL IV - 3.5mLs. Dr. Bilsland performed skull radiographs and did not note any obvious bone deficits except at incisors and upper left canine. She took a biopsy of the lesion at the upper left canine, removed the loose upper left canine and upper incisors and removed bone at demarcation of spongy soft abnormal bone and firmer bone. The area was sutured and the cat was given butorphanol 10mg/mL, 0.15mL IV, diluted to 3mL with saline. The cat was discharged later that day.

5. On June 22, 2020, the cat was presented to Dr. Bilsland for a recheck. Upon exam, the cat had a weight = 7.22 pounds, a temperature = 102.1 degrees, heart rate = 200bpm and a respiration rate = 50rpm. Dr. Bilsland noted that the fistula on the cat's muzzle had healed and the lower left canine tooth was causing a lesion on the upper lip. The cat's ocular discharge was improved and the defeat in the palate was healing. Dr. Bilsland injected 0.5mL bupivacaine into the left upper lip to place suture with quills to elevate the upper lip to allow the lower tooth room for the mouth to close. The lower canine could be removed if necessary. Dr. Bilsland demonstrated how to syringe feed a/d to the cat.

6. On June 23, 2020, Dr. Bilsland contacted Complainant's cat sitter/receptionist to relay the histopathology results - squamous cell carcinoma with secondary chronic, severe, suppurative osteomyelitis with abundant intralesional bacteria and hair. Referral to an oncologist was offered as well palladia and piroxicam. Dr. Bilsland recommended continuing antibiotics until

quality of life deteriorates.

7. On June 29, 2020, the cat was presented to Dr. Bilsland for a recheck. Complainant reported the cat was eating and drinking well. Upon exam, the cat had a weight = 7.28 pounds, a temperature = 101.3 degrees, a heart rate = 200bpm and a respiratory rate = 40rpm. Dr. Bilsland noted the cat had Horner's syndrome, the fistula was healed, and the stitches in the mouth would dissolve. She discussed options with Complainant regarding radiation vs chemo at an oncologist or a trial with palladia/piroxicam. The treatment plan of convenia every 2 weeks for at least another three doses was agreed upon. The cat was administered convenia 0.35mLs SQ and was to have the injection repeated in two weeks. Dr. Bilsland dispensed palladia 10mg, 30 tablets; give one every Monday, Wednesday and Friday - piroxicam 1mg capsules were ordered.

8. On 7/20/20, 8/11/20 and 8/25/20 the cat was administered convenia injections. On 8/25/20, Complainant had reported that she was administering SQ fluids to the cat at home.

9. On September 8, 2020, the cat was presented to Dr. Bilsland for a convenia injection. Dr. Bilsland was advised that the cat was close to the end therefore she dispensed gabapentin 100mg/mL, 15mL; give 0.3 - 0.5mLs orally one to two times a day.

10. On September 18, 2020, Complainant's receptionist contacted Dr. Nutter to make an appointment to have the cat euthanized at home/warehouse. The appointment was scheduled for September 24, 2020, however, in the next couple of days, the cat rapidly declined therefore the appointment was rescheduled for September 21, 2020.

11. On September 21, 2020, Dr. Nutter arrived at the warehouse to meet Complainant's receptionist and euthanize the cat. Dr. Nutter stated the cat's face was disfigured and felt the cat was suffering therefore moved quickly on the euthanasia process. The cat was sedated with telazol 25mg/mL, 0.5mLs SQ and then 2mLs of euthanasia solution IV.

12. According to Complainant, prior to the cat being euthanized, Dr. Nutter had insisted that the cat had been neglected and she would be making a report. Complainant's receptionist explained that the cat had been rescued from the junkyard next door and had many visits to a veterinarian. According to Complainant, due to Dr. Nutter's behavior and shaky hands, her receptionist called her and put her on speaker phone/facetime so she could hear Dr. Nutter's conversation. Complainant stated that Dr. Nutter was yelling and screaming that they were awful people before, during and after the euthanasia procedure. After the cat was euthanized, Dr. Nutter said she would be contacting the police - Complainant agreed the police should be called. Dr. Nutter was asked to leave the premises until the police arrived.

13. According to Dr. Nutter she was shaky, but her tone was empathetic and non-judgmental. However, she felt obligated to report the matter and have the right people make the judgment if there was negligent involved. She stated that she was not asked to leave the

premises and sat in her vehicle while waiting for the police. At this time, Dr. Nutter called Dr. Bilsland.

14. According to Dr. Bilsland, Dr. Nutter complained that her care of the cat was inadequate and threatened to call the police. Dr. Bilsland stated that Complainant was offered referral, surgery, palliative, chemo and pain medication, which she had no interest in. Complainant stated that the cat was on pain medication that was prescribed by Dr. Bilsland; the cat was also receiving SQ fluids.

15. Dr. Bilsland further stated that Dr. Nutter was extremely aggressive and rude during the phone conversation. She was unable to explain anything about the case due to Dr. Nutter shouting.

16. Dr. Nutter spoke with the police and explained that she did not know if this was a case of neglect but felt someone should look into it.

17. On September 24, 2020, Complainant saw that Dr. Nutter posted a photo of the cat on her social media account without her permission. She requested the photo be removed. Dr. Nutter stated that she did post a photo of the cat on her social media account without the cat's or pet owner's identity. It was not her intent to have the pet owner see the post and deleted the picture when Complainant contacted her.

18. On September 25, 2020, Complainant stated that she emailed Dr. Nutter multiple times in attempts to resolve the matter. Dr. Nutter did not respond to the emails. According to Dr. Nutter, she did not receive any of Complainant's alleged emails.

19. On September 29, 2020, Complainant disputed her credit card fees due to only the euthanasia being performed, not the cremation or paw print. According to Dr. Nutter, Complainant was not billed for a paw print, only euthanasia and individual cremation. She did not have the opportunity to refund the cremation because Complainant was issued a charge back for the full amount.

20. On October 5, 2020, Dr. Nutter sent Complainant an email with her condolences and offerings of grief support.

21. Complainant requested that Dr. Bilsland redact her false statements in the medical record and expressed concerns with Dr. Nutter's mental stability.

COMMITTEE DISCUSSION:

The Committee discussed that this was an emotionally charged case. The Committee expressed concerns that Respondent did not urge Complainant to euthanize the cat to end the cat's suffering. Squamous cell carcinomas are aggressive and is a death sentence.

Although most pet owners know when it's time to euthanize their pet, veterinarians need to be the advocate for the pet. Respondent possibly should have communicated better with the pet owner. Respondent did not feel it was her place to tell Complainant to euthanize the cat.

The Committee felt Respondent should have recommended euthanasia to Complainant, it would be up to the pet owner to decide if they want to continue treatment or take the veterinarians recommendation. Based on the cat's condition, the Committee felt the cat was suffering.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that possible violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

ARS § 32-2232 (11) Gross negligence; treatment of a patient or practice of veterinary medicine resulting in injury, unnecessary suffering or death that was caused by carelessness, negligence or the disregard of established principles or practices for not strongly recommending humane euthanasia to prevent unnecessary suffering or death.

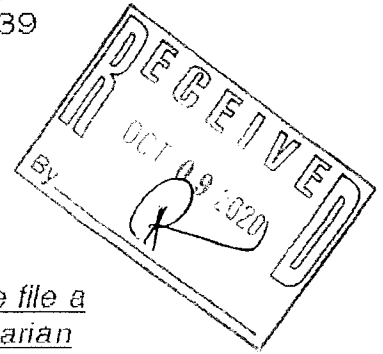
Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division

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COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY	
Date Received: <u>OCT. 9, 2020</u>	Case Number: <u>21-42</u>

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: DVM Gayle Bilsland
Premise Name: Phoenix Dog Cat Bird Hospital
Premise Address: 3418 N. 7th Ave
City: Phoenix State: AZ Zip Code: 85013
Telephone: 602-274-0561

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Lauren Pokorny
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Y [REDACTED]
Breed/Species: Feline - Longhair
Age: 17 Sex: Female Color: Beige

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Gayle Bitsland
3418 N. 7th Ave
Phx, AZ
602.274.0561

Phx Dog Cat Bird Hospital
3418 N. 7th Ave
Phx, AZ
602.274.0561

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

K [REDACTED] C [REDACTED]
[REDACTED]

A [REDACTED] H [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Lauren R. Konny
Date: 10/9/2020

Arizona State Veterinary Medical Examiner Board

Complaint Information F. Allegations and/or Concerns:

My complaint is that Dr Bilsland of the PhxDog,Cat, Bird Hospital falsified and/or gave misleading information both oral via phone and in her written report.

On September 21, 2020- Dr. Bilsland's was contacted by Dr. Christiana Nutter of Gentle Journey- euthanasia. Dr. Nutter was emotionally unstable and agitated, claiming that Y [REDACTED] a 17 year old feline suffering from squamosal carcinoma was neglected by either the owner or the Vet hospital. Dr. Nutter claimed that Y [REDACTED] has been suffering and should have been put down a long time ago or in the very least been on 24hr iv pain meds. Dr. Bilsland claimed that she had informed the mom that Yoda should have been put down, on 24hr pain meds.

This is not true. Y [REDACTED] last visit at PhxDCB hospital, Dr Bilsland informed me that Y [REDACTED] only had about 7 days or so. I said that I would keep her comfortable, out of pain and prepare a euthanasia doctor. Dr. Bilsland never once suggested that Y [REDACTED] should be put down. She suggested treatment above palliative care- ie-chemo, radiation, pills. We agreed that because of her age that we would be palliative care, making sure that we paid attention to the signs: refusing to eat or drink, refusing attention like petting, hiding in dark spaces, heavy bleeding from nose or mouth, etc.

Dr. Bilsland makes 3 false statements in her written report.

1. When I last saw Y [REDACTED] I told the owner that she was very near the end and again the reply was on the order of "I will talk to her"
This is untrue, I told Dr. Bilsland that I would talk with her, find her timing, prepare w/ euthanasia doctor, and watch for failing signs. I also informed her that Y [REDACTED] was receiving Gabapentin-pain medication as often as needed as well as sub-q fluids.
2. Dr. Bilsland states "Our clinic offered surgery, palliative chemo, pain med. The owner did not have any interest in any of the alternative, including pain medication, although she was offered this many times.

This is untrue. I informed Dr. Bilsland many times since her diagnosis in June 2020, that Y [REDACTED] was receiving pain meds as well as sub-q fluids. The pain medication was prescribed by Dr. Bilsland.

3. Dr. Bilsland states "at every visit the various sickness behavior (isolated, no eating, hiding, lack of interest in social interaction) were outlined as signs that it might be in Y████ best interest to put her down. Owner would not discuss this again insisting that they were having conversations.

This is not true, never did Dr. Bilsland suggest putting Y████ down. There was always an understanding that Y████ would be allowed to go thru her natural death process without pain.

I contacted Dr. Bilsland via PhxDog, Cat, Bird hospital to offer her the opportunity to redact her false statements in her report or the ones she verbally gave to Dr. Nutter via phone. I was contacted via email by PhxDog, Cat, Bird hospital that Dr. Bilsland would not be redacting her statements. At this time I am requesting that Dr. Bilsland officially redact the 3 statements that I have referenced in this complaint. I am simply asking that the written report reflect the truth.

Thank you for your attention to this matter.

Sincerely,

Lauren Pokorny

████████████████████
████████████████████
████████████████████

Doctor comments:

6/3/2020

1st visit: dental consult. Noted severe dental disease & a fistula midway between planum nasale & medial canthus of left eye. At this point previous care was from Blue Pearl (initial dx cancer vs dental dz) & "meds did not help". I do not recall seeing notes from Blue Pearl. I dispensed meloxicam 1.5mg/ml, 2.5ml, sig 0.4 po today, 0.2ml po sid x 4 days then 0.1ml po daily. I suggested return in 6 days (if blood work WNL) for sedate, remove affected tooth (loose upper left canine) and biopsy tissue and bone for histopathology plus skull x-rays. Convenia was given and blood work sent out. There was discussion @ complete dental treatment vs addressing issue of fistula and getting biopsy results before deciding how to proceed. Blood work came back all WNL and owner was notified.

6/16/2020

Drop off appointment for sedate, x-ray skull, biopsy, remove loose canine and incisors. Necrotic tissue and bone fragments sent for histopath. X-rays taken of skull. Lucent area @ upper Left canine and incisors.

6/23/2020

PCTO: LMOM with Ki [REDACTED] (cat sitter) – pathology report = squamous cell CA, offered referral to oncology; offered palladia & piroxicam. Recommended abx ongoing until QOL deteriorates.

7/20/2020

Weight loss of 0.36#, convenia inj given. (Palliative)

8/11/2020

Weight loss 0.54#, Convenia inj given, again went over signs to look for in determining when it would be in patient's best interest to euthanize; hiding isolating not eating not grooming.

8/25/2020

Weight loss 0.42#, Convenia inj given

9/8/2020

Weight loss 0.4#, O declined office visit (wanted free service) convenia inj given by tech. TTO: very close to end, use gabapentin 100mg/ml #15ml sig-0.3ml to 0.5ml po 1-2 times/day. Owner mentioned conversations with Yoda and stated that pet would let her know when she wanted to be put to sleep.

9/21/2020

Call from Dr. Nutter

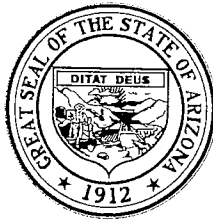
Note to board: I do not remember any conversation that gave me any clue that this owner planned to allow nature to take its course, ie to allow Y [REDACTED] to die naturally. I do remember a query from owner about home euthanasia service.

Gayle D Bilstrand DVM

Gayle Bilstrand DVM

NOV 06 2020

DOUGLAS A. DUCEY
GOVERNOR



VICTORIA WHITMORE
EXECUTIVE DIRECTOR

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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IN ACCORDANCE WITH A.R.S. § 32-2237(D): "IF THE BOARD REJECTS ANY RECOMMENDATION CONTAINED IN A REPORT OF THE INVESTIGATIVE COMMITTEE, IT SHALL DOCUMENT THE REASONS FOR ITS DECISION IN WRITING."

At the May 19, 2021 meeting of the Arizona State Veterinary Medical Examining Board, the Board considered the recommendations of the Investigative Committee regarding case number 21-42 In Re: Gayle Bilsland, DVM.

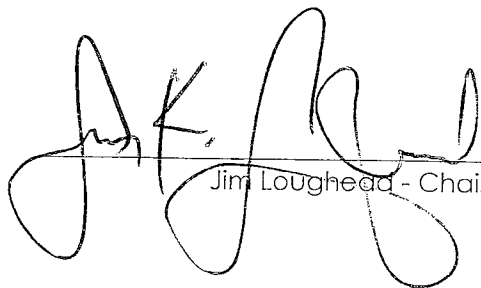
The Board considered the Investigative Committee's Findings of Fact and Conclusions of Law:

- ❖ *ARS § 32-2232 (11) Gross negligence; treatment of a patient or practice of veterinary medicine resulting in injury, unnecessary suffering or death that was caused by carelessness, negligence or the disregard of established principles or practices for not strongly recommending humane euthanasia to prevent unnecessary suffering or death.*

Following discussion, the Board concluded that Respondent's conduct did not rise to the level of a violation and voted to dismiss this issue with no violation. The Board concluded that Respondent managed the case appropriately and gave the pet owner guidance on what to watch for in the cat's behavior to indicate it could be time to humanely euthanize the pet.

Respectfully submitted this 16TH day of June, 2021.

Arizona State Veterinary Medical Examining Board


Jim Loughhead - Chair